REMARKS

Claims 1-9 are pending in the application. Reconsideration of the application is respectfully requested.

Claim rejection - 35 U.S.C. §112

The Office Action rejected claims 1-9 under 35 U.S.C. §112, first paragraph because the original disclosure allegedly does not describe "predicting an impact on the profile" or "without running the executing application again." Applicant respectfully traverses the rejection. The original specification on page 11, specifically, paragraph 0030 describes a predictor that receives a collected profile and one or more actions selected by a selector. The predictor then utilizes the one or more actions to predict the behavior of the executing application when the one or more actions are applied to the executing application before a subsequent profile is obtained from the executing application. The specification further describes that the prediction can be a prediction of an expected decrease in execution time. This is an example of an impact on the profile. The predictor transmits the prediction result to the adjustor that applies the prediction result to the profile to thereby generate a normalized profile. Thus the specification as originally filed supports "predicting an impact on the profile" language and satisfies the written description as well as enablement under 35 U.S.C. §112, first paragraph.

With respect to "without running the executing application again" recited in claim 9, the same paragraph 0030 continues to explain that a profile consumer utilizes the normalized profile and a subsequent collected profile to detect phase shifts in "the executing application," referring to the same executing application from which the normalized profile is collected. Further Figs. 4A-4C and the related description in the specification support this interpretation, where step 402 illustrates an execution step and steps 412 and 414 illustrates normalizing the previously collected profile and collecting subsequent profile following step 402 of executing an application. Thus, there is no rerunning of the executing application. For at least this reason, the specification as originally filed also supports "without running the executing application again" recitation of claim 9, complying with the written description as well as enablement under 35 U.S.C. §112, first paragraph.

<u>Claim rejection – 35 U.S.C. §102(b)</u>

Claims 1-9 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Romer et al. "Instrumentation and Optimization of Win32/Intel Executables Using Etch", 08/1997 ("Romer"). Applicant respectfully traverses the rejection. Despite applicant's arguments in the previous response that Romer fails to disclose or suggest every element claimed in the pending claims, the Office Action maintains the same rejection over Romer. To reiterate, Romer as understood by applicant, discloses a general-purpose tool for modifying executables for both measurement and optimization. As understood by applicant, Romer's tool can be used to instrument an executable that when run would generate a profile; that is, Romer's tool may be used as a mechanism to generate a profile. Romer's tool may be also used to apply an action by modifying an executable, which when run again would generate a different profile.

Romer, however, does not disclose or suggest every element claimed in claims 1-9. For example, Romer does not disclose or suggest at least predicting an impact on a profile of applying one or more actions to an executing application and adjusting the profile to form a normalized profile according to the predicted impact, as claimed in claims 1-9. In the present application, given a profile that has been generated by running an executable, claims 1-9 recite adjusting the profile itself to predict the impact on the profile from applying one or more actions, for instance, without having to run the executable again. On the other hand, Romer's tool could be used to apply one or more actions, but not used for adjusting the previously generated profile.

In sum, while Romer appears to describe optimizing an executable, Romer fails to disclose or suggest predicting an impact on a profile and adjusting that profile according to the predicting, for example, without running the executable again. Accordingly, at least for the foregoing reasons, it is believed that Romer does not anticipate claims 1-9.

This communication is believed to be fully responsive to the Office Action and every effort has been made to place the application in condition for allowance. A favorable Office Action is hereby earnestly solicited. If a telephone interview would be of assistance in advancing prosecution of the subject application, the Examiner is requested to telephone the number provided below.

Respectfully submitted,

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